



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

June 27, 2015

CERTIFIED RETURN RECEIPT
7013 2250 0000 2310 2446

Gary Burningham
Burningham Enterprises
95 North 200 East
American Fork, UT 84003

Subject: Proposed Assessment for State Failure to Abate Cessation Order No. MC-2016-17-01, Burningham Enterprises, Mammoth Ridge #1 Mine, S/017/0048, Garfield County, Utah

Response Due By: 30 Days of Receipt

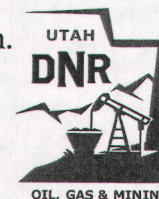
Dear Mr. Burningham:

The undersigned has been appointed by the Division of Oil, Gas & Mining as the assessment officer for assessing penalties under R647-7.

Enclosed is the proposed civil penalty assessment for the above referenced failure to abate cessation order (FTACO). This FTACO was issued by Division inspector, Lynn Kunzler on April 7, 2016, with service completed on April 15, 2016. Rule R647-7-103.4 has been utilized to determine the proposed penalty of \$3,750.00. This is based on \$750.00/day (for 5 days), from the date of service until the abatement work was completed).

Under R647-7-106, there are two informal appeal options available to you. You may appeal the 'fact of the violation', the proposed civil penalty, or both. If you wish to informally appeal you should file a written request for an informal conference within thirty 30 days of receipt of this letter.

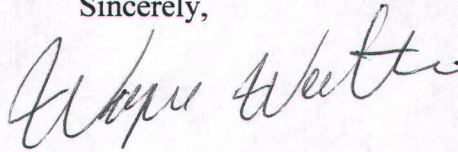
The informal conference will be conducted by a Division-appointed conference officer. The informal conference for the fact of the violation is distinct from the informal assessment conference regarding the proposed penalty. If you wish to review both the fact of the violation and proposed penalty assessment, you should file a written request for an assessment conference within thirty (30) days of receipt of this letter. In this case, the assessment conference will be scheduled immediately following the review of the fact of the violation.



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If a timely request for review is not made, the fact of the violation will stand, the proposed penalty will become final, and will be due and payable within thirty (30) days of the date of this proposed assessment (by July 29, 2016). Please remit payment to the Division, mail c/o Sheri Sasaki.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wayne Western".

Wayne Western
Assessment Officer

WW: eb

cc: Sheri Sasaki, Accounting
Vickie Southwick, Exec. Sec.

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